IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

Bail Appl..No. 4505 of 2007()

CMP.3243/2007 of J.M.F.C.-I,HOSDRUG
CRIME NO.397/07 OF HOSDURG POLICE STATION, KASARAGOD.

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PETITIONER/ACCUSED:

K. USMAN, S/O. ABDUL RAHIMAN,
AGED 68 YEARS, K.V. HOUSE, HOSDURG VILLAGE,
HOSDURG KADAPURAM.

BY ADV. SRI.PMA.KALAM

RESPONDENTS: COMPLAINANT/STATE:

STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
HOSDURG POLICE STATION, KASARGOD DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY P.P. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO.4505 OF 2007

Dated this the 26th day of July, 2007

ORDER

Application for regular bail. The petitioner faces allegations under Sec.489-B and C of the IPC. The crux of the allegations is that the petitioner went to the local L.I.C. Office on 11/7/07 to make payment of premium due on a policy issued to his son employed abroad. He tendered 7 currency notes of Rs.500/- denomination. All of them were found to be counterfeit currency notes by the officers of the L.I.C. in charge of collection. The police was informed. They came to the scene. They arrested the petitioner. The petitioner had 7 more such currency notes in his possession. Altogether, thus he was in possession of 14 counterfeit currency notes each of Rs.500/- denomination. The petitioner explained to the police that this amount was received by him from two unknown persons – evidently hawala distributors who had brought the

amount to him on the previous day stating that the same is sent by his son employed abroad. In the night, the son called from his place of employment abroad and confirmed the payment. He used Rs.3,000/- for purchase of household articles and the balance Rs.7,000/- was available with him. The petitioner was arrested and interrogated. Nothing better has been revealed to the police so far to indicate or suggest that the petitioner had any contumacious knowledge or any active part in the distribution of fake currency notes. The petitioner has remained in custody from 11/7/07. Investigation has now been taken over by the Special CF Squad CB CID. So far, they also have not been able to raise any better or graver allegation against the petitioner.

2. The learned counsel for the petitioner prays that the petitioner may, in these circumstances, be released on regular bail subject to appropriate conditions.

3. The learned Public Prosecutor opposes the application. But notwithstanding the opposition, I am satisfied, in the circumstances indicated above, that the petitioner can certainly be enlarged on bail subject to appropriate conditions. In coming to this conclusion, I take note of the fact that there is no specific

indication to suggest the complicity of the petitioner or even his knowledge that the currency notes handed over to him were fake currency notes. Merely because he received the amounts from the hawala agents, I am satisfied that the petitioner need not be detained in custody any longer.

4. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall report before the Hosdurg Police Station on all Mondays and Fridays between 10 a.m. and 12 noon until further orders. There, the Investigating Officer shall be at liberty to question the petitioner. Needless to say, the petitioner must appear before the Investigating Officer whenever he is directed in writing to do so appear.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy// P.S. To Judge

(R. BASANT, JUDGE)

Nan/